IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6648 OF 2007

Smt.Sarvari Begum Ainul Haq Siddiqui ....Petitioner
V/s
The State of Maharashtra & Ors..... ....Respondents.

Mr.Girish Godbole i/by Mr.Shashipal Shankar, Adv. For the petitioner.
Mr.Mukesh V. Aiya, Adv. the respondent No.4.

CORAM: A.P.DESHPANDE, J.
14/9/07

PC:

Rule. Rule made returnable forthwith.

Taken up for final hearing by consent of both the parties.

The present petitioner was allotted a fair price shop by respondent No.3. The said order was challenged by filing a revision before the State Government. The State Government reversing the order passed by Controller of Rationing has granted the ration shop to respondent No.4 and it is this order which is challenged by filing the present writ petition. The main ground on which the impugned order is challenged is that the order has been passed in breach of principles of natural justice in as much as copy of revision was not even served on the petitioner. Learned counsel appearing for the respondent No.4 does not dispute the fact that the copy of revision was not served on the petitioner and hence in all

fairness learned counsel for respondent No.4 submits that if the matter is remanded for hearing and decision afresh, he has no objection. Both the learned counsel are in agreement for quashing and setting aside the impugned order and remand ofthe matter for fresh hearing before the concerned Minister. In view of this concession I quash and set aside the impugned order and remand the matter to respondent No.2 for afresh hearing and decision. It is made clear that all questions raised in this petition are left open to be agitated before respondent No.2. Without expressing any opinion on merit of the matter, impugned orders are quashed and set aside. The matter is remanded back for fresh decision. I hope and trust that having regard to the time spend in the litigation, respondent No.2 will decide the revision as expeditiously as possible, preferably within a period of six weeks from today, after affording an opportunity of hearing to all concerned. Needless to add that the order that would be passed shall be simultaneously served on all parties. Learned counsel for respondent No.4 seeks leave to add the name of the petitioner as party-respondent in cause title of revision. Prayer granted. Rule made absolute in above terms.

14.9.07